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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,497	12/04/2003	David L. McGrew	21772.06	7556
37833	7590	07/25/2005	EXAMINER	
LITMAN LAW OFFICES, LTD PO BOX 15035 CRYSTAL CITY STATION ARLINGTON, VA 22215			AVERY, BRIDGET D	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,497

Applicant(s)

MCGREW, DAVID L.

Examiner

Bridget Avery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 6 and 7 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/04/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/4/03 & 10/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities: Claim 7 depends from claim 8 (which is dependent from claim 7), i.e. claim 7 depends from limitations that have not yet been set forth. Appropriate correction is required.
2. **For the purposes of examination, claim 7 will be treated as a typographical error and as if dependent from independent claim 6.**

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites "a handle extending perpendicular from said handle" which is unclear and indefinite because applicant's disclosure defines a handle (32) extending perpendicular to an arm (30). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Black (US Patent 2,499,625).

Black teaches the combination of a semi-trailer having an exterior side, an undersurface and landing gear similar to applicant's, where the landing gear has a cross-shaft, an apparatus for raising and lowering the landing gear, the apparatus including:

- A rotatable member (40) attached to the cross-shaft (34) for rotating the cross-shaft (34) in a first and second direction to raise and lower the landing gear;
- A flanged coupling (as shown on end of arm/shaft 41 and clearly shown in Figure 2) connecting the rotatable member/joint/shaft (40) to the cross-shaft (34)
- The rotatable member/joint/shaft (40) can assume a storage position beneath the undersurface and extend to an in-use position adjacent the exterior side;
- The rotatable member (40) including a U-shaped channel that receives the end of arm/shaft (41) nested therein
- The rotatable member/joint/shaft (40) including a hub (note the pivot shown between the member 41 and the arm 41)
- A modification including a rotatable member that includes a ratchet mechanism made up of shaft (60), chains (65, 66) and sprockets (58, 63)

Allowable Subject Matter

5. Claims 6, 7 are allowed. Note objection to claim 7 above.

6. Claims 8-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

VanDenberg et al. shows a trailer landing gear.

Baird et al. shows a powered trailer jacking system.

Borglum shows a stabilizing jack system for portable bleacher.

Kingsbury shows a trailer landing gear lifting apparatus.

Laarman shows a landing gear crank handle.

VanDenberg shows landing gear for semitrailers.

Baxter et al. shows landing gear for a vehicle.

Walther et al. shows a speed reduction mechanism for semi-trailer landing gear.

Glassmeyer shows a two-speed trailer landing gear safety arrangement.

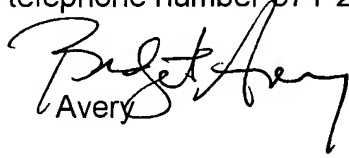
Mai shows landing gear for semitrailers or the like.

Eastman shows a screw hoist.

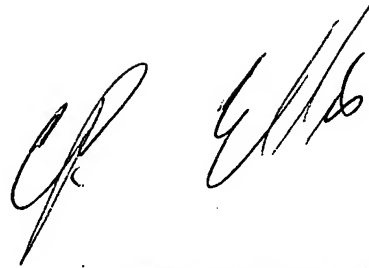
Thompson shows a convertible railway-highway vehicle.

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8. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.


Avery

July 18, 2005



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